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NICK KOUDIS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NICK KOUDIS,

Plaintiff,

v.

PACIFIC NEUROSCIENCE
INSTITUTE, LLC,

Defendant.

Case No.: 2:23-cv-01154

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT (INJUNCTIVE
RELIEF DEMANDED)**

Demand for Jury Trial

Plaintiff NICK KOUDIS by and through his undersigned counsel, brings this Complaint against Defendant PACIFIC NEUROSCIENCE INSTITUTE, LLC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1
2 1. Plaintiff NICK KOUDIS (“Koudis”) brings this action for violations of
3 exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute
4 Koudis' original copyrighted work of authorship.

5 2. Koudis is an American photographer known for images that have a
6 double meaning that poke fun at social insanity. Almost all of his photographs are
7 created using special effects such as miniature or oversized props, or have been
8 digitally manipulated in Photoshop. Koudis spent twenty-five years shooting
9 advertising images in New York City. Since 2000, he has been photographing
10 celebrities in Los Angeles, where he now resides. His work has received the One
11 Show award, Andy Awards for advertising and PDN/Nikon Awards. He has
12 photographed multiple covers for Time magazine.

13 3. Defendant PACIFIC NEUROSCIENCE INSTITUTE, LLC (“PNI”) is a
14 medical institution that provides personalized patient care, research and clinical trials
15 relating to neurosciences and brain health, and education to patients and the public on
16 neuroscience issues. PNI provides care for neurological and cranial disorders
17 including, brain and skull base tumors, pituitary tumors and related hormonal
18 disorders, stroke and other neurovascular diseases, adult hydrocephalus syndromes,
19 vision, hearing, swallowing and sinus disorders, autoimmune syndromes such as
20 multiple sclerosis, movement disorders such as Parkinson's disease, and other
21 disorders. At all times relevant herein, PNI owned and operated the internet website
22 located at the URL www.pacificneuroscienceinstitute.org (the “Website”).

23 4. Koudis alleges that PNI copied Koudis' copyrighted Work from the
24 internet in order to advertise, market and promote its business activities. PNI
25 committed the violations alleged in connection with PNI’s business for purposes of
26 advertising and promoting sales to the public in the course and scope of the PNI’s
27 business.
28

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in California.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. Pacific Neuroscience Institute, LLC is a California Limited Liability Company, with its principal place of business at 2125 Arizona Avenue, Santa Monica, California, 90404, and can be served by serving its Registered Agent, Howard R. Krauss, at the same address.

THE COPYRIGHTED WORK AT ISSUE

10. In 2004, Koudis created the photograph entitled Doublemint Twins on Bicycles, which is shown below and referred to herein as the “Work”.



12. At all relevant times Koudis was the owner of the copyrighted Work at issue in this case.

13. PNI has never been licensed to use the Work at issue in this action for any purpose.

15. On or about May 2, 2022, Koudis discovered the unauthorized use of his Work in a presentation entitled “Latest Advances in the Neurointerventional Treatment of Ischemic Stroke” as the heading image for “Tandem Lesions.”

17. After PNI copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its neuroscience medical and research business.

19. Koudis' Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

21. Koudis never gave PNI permission or authority to copy, distribute or display the Work at issue in this case.

1 22. Koudis notified PNI of the allegations set forth herein on July 6, 2022
2 and August 3, 2022. To date, the parties have failed to resolve this matter.

3
4 **COUNT I**
5 **COPYRIGHT INFRINGEMENT**

6 23. Koudis incorporates the allegations of paragraphs 1 through 22 of this
7 Complaint as if fully set forth herein.

8 24. Koudis owns a valid copyright in the Work at issue in this case.

9 25. Koudis registered the Work at issue in this case with the Register of
10 Copyrights pursuant to 17 U.S.C. § 411(a).

11 26. PNI copied, displayed, and distributed the Work at issue in this case and
12 made derivatives of the Work without Koudis' authorization in violation of 17 U.S.C.
13 § 501.

14 27. PNI performed the acts alleged in the course and scope of its business
15 activities.

16 28. PNI's acts were willful.

17 29. Koudis has been damaged.

18 30. The harm caused to Koudis has been irreparable.

19
20 WHEREFORE, the Plaintiff Nick Koudis prays for judgment against the
21 Defendant Pacific Neuroscience Institute, LLC that:

22 a. Defendant and its officers, agents, servants, employees, affiliated
23 entities, and all of those in active concert with them, be preliminarily and
24 permanently enjoined from committing the acts alleged herein in violation of 17
25 U.S.C. § 501;

26 b. Defendant be required to pay Plaintiff his actual damages and
27 Defendant's profits attributable to the infringement, or, at Plaintiff's election,
28 statutory damages, as provided in 17 U.S.C. § 504;

1 d. Plaintiff be awarded his attorneys' fees and costs of suit under the
2 applicable statutes sued upon;

3 e. Plaintiff be awarded pre- and post-judgment interest; and

4 f. Plaintiff be awarded such other and further relief as the Court
5 deems just and proper.

6 **JURY DEMAND**

7
8 Plaintiff Nick Koudis hereby demands a trial by jury of all issues so triable.

9
10 DATED: February 15, 2023

Respectfully submitted,

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12 /s/ Jonah A. Grossbardt

13 JONAH A. GROSSBARDT

14 MATTHEW L. ROLLIN

15 SRIPLAW

16 Attorneys for Plaintiff Nick Koudis
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